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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,883	11/26/2001	Glenn Bingham	08360.1556-01	4179
826	7590	10/24/2006	EXAMINER SMITH, TRACI L	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,883

Applicant(s)

BINGHAM ET AL.

Examiner

Traci L. Smith

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to papers filed on August 7, 2006.

Claims 21-26 have been amended.

Claims 21-38 are pending.

Claims 21-38 are rejected.

Claim Rejections - 35 USC § 112

1. Claims 23, 25-26 and 30-32, rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has added the limitation of the all-inclusive cost being a calculation based on the distance to be traveled by each attendee. The applicants disclosure fails to teach this limitation. Applicant fails to teach any calculation with a distance. For example; Attendee A is traveling 1200 miles to a meeting and Attendee B is traveling 800 miles. One of ordinary skill in the art at the time of invention is not able to use these distance according to the disclosure to calculate a cost. Flight and rental car prices are not determined by how far an applicant has to travel, rather, timing of the flight locations of the airport, popularity of city etc.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3629

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 21-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Business Travel News, p. 1, Sept. 6, 1993 entitled 'Megs at a Cross roads'.

Hereinafter referred to as Megs in further view of www.eventsource.com; retrieved from wayback machine anylinkage January 31, 1998, hereinafter referred to as eventsource.

4. As to claims 21-26 Business Traveler teaches a PC product that optimizes site selection by looking at:

5. attendees point of origin—land arrangements(travel)—meal costs—ranking sites by cost(Pg. 2 para 11). Megs fails to teach the cost including travel and lodging.

However, eventsource teaches booking and comprehensive reporting on hotels, airlines, car in one centralized location. (pg 18 para D). It would have been obvious to one of ordinary skill in the art at the time of invention to combine Eventsource with Megs. Event planners working on a budget constraint need to be able to identify the an overall cost for attending an event before making decisions on locations to book an

event. When organizing an event it is necessary to consider all travel expenses an attendee would incur while traveling to and attending the actual event. **Megas teaches making travel reservations(Pg 2 l. 6-7) but fails to identify the mode of travel used by each attendee. Eventsource teaches booking travel for flights reservations, hence employee a “mode” of travel for each attended. It would have been obvious to one of ordinary skill in the art at the time of invention to combine Megas with Eventsource to incorporate a mode of travel as it is necessary to know the method of travel in order to get a predicted cost.**

6. As to claims 27-30 Megas teaches a system for event planning including meal costs(Pg 2 ¶8). However, Megas fails to explicitly teach meeting space cost. Eventsource teaches receiving bids based from input information consisting of meeting place requirements and users receiving bids(estimated costs based on user input) to make informed decisions when selecting an event location. (Pg. 9 3rd chart Pg 16 para E) It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Eventsource with Megas so as to have an idea of what different meeting spaces will cost and availability. Every meeting space has different costs based on numbers attending as well as prices vary based on types of food and beverage ordered.

7. As to claims 31-32 Megas teaches a for event planning and lodging reservations(Pg. 2 ¶ 6). However, Megas fails to teach choosing amenities preferred. Eventsource teaches an event planning system allowing the user to select “important Amenities and services”. (Pg. 9 1st chart). It would have been obvious to one skilled in

the art to combine the teachings of Eventsource with Megas so as to present the user with facilities that are capable of meeting their particular needs for the event.

As to claims 33-37 Megas teachings an event planning system based on location, land arrangements and meals. However, Megas fails to teach "optimized" costs.

Eventsource teaches an event planning system that allows the user to input alternative dates to receive bids on dates that might be less expensive optimizing based on schedule and lowest price. (Pg. 8 Chart 2 Pg. 16 para D & E). It would have been obvious to one skilled in the art to combine the teachings of Eventsource with Megas so as to allow the user the option to hold their event in a more cost effective time.

Response to Arguments

8. Applicant's arguments filed August 7, 2006 have been fully considered but they are not persuasive.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references are attempting to solve the corporate meeting planning process.

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner makes note for the record of references using several techniques for and alternatives for determining cost and corporate travel.
12. US Patent 6,11,094 Lynch et al; Automated System for Identifying Alternate Low-cost Travel Arrangements.
13. US Patent 5,570,283 Shoolery et al; Corporate Travel Controller
14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

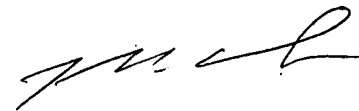
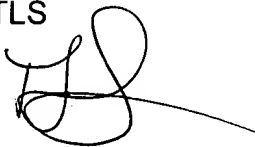
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Smith whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLS



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